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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/488,395

Applicant(s)

SITARAMAN ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### DETAILED ACTION

1. Claims 1 – 55 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 – 55 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon "particular subscriber".

#### *Double Patenting*

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

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5. Claims 1 - 55 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 - 46 of copending Application No. 09/488394. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5, 8-14, 16-21, 23, 26-32, 34-40, 43-45, 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locklear, Jr. et al. ( US Patent No 6252878 ), in view of Robrock, II ( US Patent No 5539884 ).

8. As per claim 1, Locklear shows a system for determining subscriber information, comprising:

an access server coupled to a plurality of subscribers using a communication network ( e.g. Figure 1, items 12, 18, 20, 32 and 34 ) and receive a communication from a particular subscriber using a particular one of a particular of virtual circuits associated with the communication network ( i.e. VPI and VCI ) ( e.g. col 7, line 14-25 );

a memory coupled to the access server and operable to store subscriber information for the subscribers ( i.e. database ) ( e.g. col 5, line 59-col 6, line 21 ).

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Locklear does not disclose other limitation of the claim.

Robrock discloses

wherein the subscriber information is indexed by path information that identifies a virtual circuit assigned to the particular subscriber ( e.g. col 9, line 14-18 ); and

a processor ( i.e. BIN SCP ) coupled to the memory and operable to determine subscriber information for communication to the particular subscriber based upon the path information and<sup>5 and</sup> the particular virtual circuit used to receive the communication from the particular subscriber ( e.g. col 10, line 28-60 ).

At the time the invention was made, it would have been obvious to a person in the art to combine Locklear and Robrock since it would provide faster packet switching process, which reduces the switching time in the system for high profile applications.

9. As per claim 2, Locklear discloses

the access server comprises one of a plurality of access servers coupled to the processor ( e.g. Figure 1, item 16 ); and

the path information further identifies an access server assigned to the particular subscriber ( e.g. col 6, line 8-13 ),

an identifier of the particular access server coupled to the particular subscriber ( i.e. session ID ) ( e.g. col 5, line 64- col 6, line 4 ).

Locklear does not disclose other limitation of the claim.

Robrock discloses

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the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information ( e.g. col 10, line 28-60 ).

At the time the invention was made, it would have been obvious to a person in the art to combine Locklear and Robrock since it would provide faster packet switching process, which reduces the switching time in the system for high profile applications.

10. As per claim 3, Locklear discloses the access server comprises an interface coupled to the particular subscriber using the particular virtual circuit ( i.e., link ) ( e.g. col 5, line 1-3 ); and

a controller coupled to the interface and operable to communicate a request identifying the particular virtual circuit that couples the interface and the particular subscriber ( e.g. col 5, line 24-30 ).

11. As per claim 5, Locklear discloses the request comprises: interface information identifying the interface coupled to the particular subscriber ( e.g. col 6, line 8-13 );

access server information identifying the access server ( e.g. col 5, line 64-66 ).

Locklear does not disclose other limitation of the claim.

Robrock discloses

virtual circuit information identifying the particular virtual circuit ( e.g. Figure 2C ).

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At the time the invention was made, it would have been obvious to a person in the art to combine Locklear and Robrock because the system would have the capability to immediately recognize the next destination to forward packets or cells for data consistency.

12. As per claim 8; Locklear discloses the particular virtual circuit is associated with the particular subscriber using a virtual path identifier and a virtual channel identifier ( e.g. col 6, line 54-58 ).

13. As per claim 9, Locklear does not disclose the limitation of the claim. Robrock discloses the path information comprises a virtual path identifier and a virtual channel identifier associated with the virtual circuit assigned to the particular subscriber ( e.g. Figure 6F, item 39 ). At the time the invention was made, it would have been obvious to a person in the art to combine Locklear and Robrock because the system would have the capability to immediately recognize the next destination to forward packets or cells for data consistency.

14. As per claim 10, Locklear does not disclose the limitation of the claim. Robrock discloses the subscriber information comprises information used to configure a communication device associated with the particular subscriber ( e.g. col 10, line 39-59 ). At the time the invention was made, it would have been obvious to a person in the art to combine Locklear and Robrock since it would provide faster packet switching process, which reduces the switching time in the system for high profile applications.

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15. As per claim 11, Locklear discloses the subscriber information comprises at least one Internet protocol address for communication to the particular subscriber ( e.g. col 8, line 32-42 and Figure 3C, item 224 ).

16. As per claims 12, 20, 30 and 48, they are rejected for similar reasons as stated above in claim 1.

17. As per claims 38 and 43, they are rejected for similar reasons as stated above in claims 1 and 3.

18. As per claims 13, 21, 31, 39, 44 and 49, they are rejected for similar reasons as stated above in claim 2.

19. As per claims 14, 32 and 50, they are rejected for similar reasons as stated above in claim 3.

20. As per claims 16, 26, 34 and 52, they are rejected for similar reasons as stated above in claim 8.

21. As per claims 17, 27, 35 and 53, they are rejected for similar reasons as stated above in claim 9.



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22. As per claims 18, 28, 36 and 54, they are rejected for similar reasons as stated above in claim 10.

23. As per claims 19, 29, 37 and 55, they are rejected for similar reasons as stated above in claim 11.

24. As per claims 23, 40 and 45, they are rejected for similar reasons as stated above in claim 5.

25. Claims 4, 15, 22, 33, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locklear, Jr. et al. ( US Patent No 6252878 ), in view of Robrock, II ( US Patent No 5539884 ), and further in view of Palnati ( US Patent No 6396838 ).

26. As per claim 4, Locklear and Robrock do not disclose the limitation of the claim. Palnati discloses:

the interface comprises a plurality of network line cards ( e.g. Figure 1, item 10 );

the path information further identifies a network line card assigned to the particular subscriber ( e.g. col 4, line 37-46 ); and

the processor is further operable to determine the subscriber information for communication to the particular subscriber based upon the path information ( e.g. col 5, line 9-18

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) and an identifier of a particular network line card coupled to the particular subscriber ( e.g. col 4, line 37-46 ).

At the time the invention was made, it would have been obvious to a person in the art to combine Locklear, Robrock and Palnati because the system would be flexible to accommodate the increase of the data traffic in the network for better performance.

27. As per claims 15, 22, 33 and 51, they are rejected for similar reasons as stated above in claim 4.

28. Claims 6, 7, 24, 25, 41, 42, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locklear, Jr. et al. ( US Patent No 6252878 ), in view of Robrock, II ( US Patent No 5539884 ), and further in view of Benash et al. ( US Patent No 6084892 ).

29. As per claim 6, Locklear and Robrock do not disclose the limitation of the claim. Benash discloses the request comprises a RADIUS protocol request ( e.g. col 10, line 19-22 ). At the time the invention was made, it would have been obvious to a person in the art to combine Locklear, Robrock and Benash because RADIUS would add another level of security protection to keep the data integrity and to increase the value of the system.

30. As per claim 7, Locklear and Robrock do not disclose the limitation of the claim. Benash discloses the request comprises a trivial file transfer protocol request ( i.e. application ) ( e.g. col

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4, line 44-45 ). At the time the invention was made, it would have been obvious to a person in the art to combine Locklear, Robrock and Benash because it would allow different types of data to carry across the system, which help to utilize the full capacity of the system.

31. As per claims 24, 25, 41, 42, 46 and 47, they are rejected for similar reasons as stated above in claims 6 and 7.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

DN

11/13/02

  
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